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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 KEION M. HILL,

8 Plaintiff(s),

9 v.

10 CHRISTOPHER DARCEY, et al.,

11 Defendant(s).

Case No. 2:23-cv-00780-CDS-NJK

REPORT AND RECOMMENDATION

12 Plaintiff is proceeding in this action *pro se* and has requested authority pursuant to
13 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket No. 1. In an order issued concurrently
14 herewith, the Court has granted the application to proceed *in forma pauperis* and has determined
15 that Plaintiff has a colorable claim against Defendant Darcey sufficient to survive the screening
16 process. The Court herein addresses Plaintiff's claim against the Nevada Highway Patrol.

17 Upon granting a plaintiff *in forma pauperis* status, courts must screen the complaint and
18 dismiss claims for monetary relief from a defendant who is immune from such relief. 28 U.S.C.
19 § 1915(e)(2)(B)(iii). States, and arms of the states, are not considered "persons" for purposes of
20 claims brought pursuant to 42 U.S.C. § 1983. *E.g., Will v. Mich. Dept. of State Police*, 491 U.S.
21 58, 71 (1989). States, and arms of the states, are also immune from federal damages claims
22 pursuant to the Eleventh Amendment of the United States Constitution. *E.g., Franceschi v.*
23 *Schwartz*, 57 F.3d 828, 831 (9th Cir. 1995). The Nevada Highway Patrol is an arm of the state of
24 Nevada. *Meza v. Lee*, 669 F. Supp. 325, 328 (D. Nev. 1987). Accordingly, Plaintiff's damages
25 claim against the Nevada Highway Patrol cannot proceed. Moreover, any amendment with
26 respect to that claim would be futile.
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1 Accordingly, the undersigned **RECOMMENDS** that the claim against the Nevada
2 Highway Patrol be **DISMISSED** with prejudice.

3 Dated: May 22, 2023

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Nancy J. Koppe
United States Magistrate Judge

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7 **NOTICE**

8 This report and recommendation is submitted to the United States District Judge assigned
9 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
10 recommendation must file a written objection supported by points and authorities within fourteen
11 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
12 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
13 F.2d 1153, 1157 (9th Cir. 1991).